



NORTH DAKOTA
DEPARTMENT of HEALTH

DIVISION OF HEALTH FACILITIES

Dialysis Dialogue

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Patients' Rights and Responsibilities

By Laura Hiebert, MS, LRD

Appendix H of the State Operations Manual, at 405.2138, addresses the condition of participation titled "Patients' Rights and Responsibilities." This condition embraces the following five standards:

- Informed patients (V217 – V221)
- Participation and Planning (V222 – V223)
- Respect and Dignity (V224-225)
- Confidentiality (V226)
- Grievance Mechanism (V227)

The Patients' Rights and Responsibilities condition is presented at V215. This regulation states: "The governing body of the ESRD (end stage renal disease) facility adopts written policies regarding the rights and responsibilities of patients and, through the chief executive officer, is responsible for development of, and adherence to, procedures implementing such policies." The regulation further states: "These policies and procedures are made available to patients and any guardians, next of kin, sponsoring agency(ies), representative payees, and to the public."

The facility must have written policies addressing each of the standards listed above.

Informed Patients

Patients must be given information regarding the policies the facility has developed regarding their rights and responsibilities as patients of the facility (V217). The patients must also be informed of any rules with regard to patient conduct.

Patients must be informed about the services provided by the facility and the charges for those services, including any charges not covered by Medicare (V218).

A physician must provide patients with information about their medical condition (V219). This regulation allows the physician to make a determination that it would not be in the best interest of the patient to be provided information about his or her medical condition. This determination must be documented in the patient's medical record.

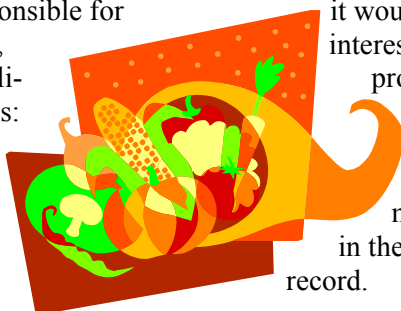
If the facility reuses dialysis supplies, the patients must be informed of the facility's reuse practice (V220), including the risks and benefits associated

Welcome to this edition of *Dialysis Dialogue*, a newsletter published by the North Dakota Department of Health, Division of Health Facilities. *Dialysis Dialogue* is designed to help dialysis departments stay up-to-date on various issues. Please share with your dialysis staff.

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Patients' Rights and Responsibilities (cont).

with the practice. If a facility that reuses dialysis supplies utilizes a brochure to describe the facility and its services, the brochure must contain information regarding the reuse practice.

Finally, the patients must be informed about their suitability for transplantation (V221). If the facility offers a home dialysis program, the patient also must be informed of his or suitability to participate in that program.

While on site, surveyors will ask questions of patients to determine if they have been provided the information required by the regulations at V217 through V221. At the beginning of their treatments, patients are often bombarded with a large amount of information at a time when they may be too distracted to assimilate what they are being told. It is to the facility's advantage to have documentation of current and ongoing attempts made to provide each resident with the required information.

Participation in Planning

Patients in the facility must be given the opportunity to participate in the planning of their medical care (V222). This participation is usually documented by a patient's signature on his or her long-term and patient care plans.

Patients can be transferred or discharged from the facility only if they have a medical condition that requires treatment the facility can't provide; they have not paid their bills; or their presence in the facility is determined to be detrimental to the welfare of the individual patient or other patients in the facility (V223). The reasons for transferring or discharging a patient must be documented in that patient's medical record. In addition, a patient must be given advance notice of the facility's intent to have them transferred or discharged.

Respect and Dignity

Patients must be treated with respect and with recognition of their personal needs, including the need for privacy in treatment (V224). Treatments involving exposure of a patient, such as accessing a catheter, should be done in such a way as to prevent observation of the procedure by those not involved in the provision of the care.

If a significant number of patients communicate in a language other than the dominant language of the facility, provisions must be made for a translator (V225).

CMS does not define what constitutes a significant number of patients. Rather, surveyors are instructed to determine if the facility has made provisions to deal with cultural diversity within the facility. This could include consulting with members of the patient's family who can speak the dominant language to determine the patient's needs and preferences.

Facilities also must make an effort to identify and respect any cultural beliefs or customs that may have an impact on a patient's willingness to comply with his or her course of treatment. Certain cultures, for instance, do not believe in organ donation. It is important to be sensitive to these beliefs in dealing with these patients.

Confidentiality

Patients' personal and medical records must be kept confidential (V226). The patient's records must not be left open in a place where they are visible to the casual observer. In addition, staff should refrain from discussing patients' personal information in areas where others could overhear.

Grievance Mechanism

The facility must have a defined grievance mechanism. Patients should be informed about how and with whom they should address their grievances. Patients should be aware of outside organizations that can help them resolve their grievances. These include the regional renal network agency and the state agency (V227).

Once the facility has established its policies and procedures regarding patients' rights and responsibilities, it must educate its staff regarding the content of the policies and their role in ensuring that the policies are implemented (V216). This education should be documented in each employee's training record.

While on site, surveyors will review facility policies and procedures and employee records to determine if these requirements are being met.



Protection of the Medical Record

By Laura Hiebert, MS, LRD

The regulations at V226, V245 and V250 deal with the protection of the medical record from physical damage and from unauthorized access.

The facility must have policies in place to ensure that people who do not have a legitimate need to know do not have access to the patients' personal health information. These policies should address all potential opportunities for inappropriate disclosure of patient information. Policies also should be in compliance with HIPAA requirements.

One of the issues that should be specifically addressed by policy is that of personnel who need to have access to the dialysis unit but should not have access to the patients' medical information. House-keeping staff, for instance, should not be in a position where they are alone with the patients' medical records. This includes both active, thinned and closed medical records.

At this point in time, dialysis facilities are not required to follow the life safety code requirements. The life safety code requires medical records to be kept in an enclosed area that is equipped with either a sprinkler system or fire-rated, self-closing doors. Although dialysis facilities are not currently required to meet the life safety code regulations, they still must ensure the medical records are safe from destruction due to fire.

The CMS ESRD website has a new look.
Take a look at
www.cms.hhs.gov/providers/esrd.asp

Coming in the next issue:
Guidelines regarding long term care residents who receive ESRD services.

If your facility would like to receive
Dialysis Dialogue electronically, please
send your e-mail address to
bweidner@state.nd.us



Giving Thanks

For the hay and the corn and the
wheat that is reaped,
For the labor well done, and the
barns that are heaped,
For the sun and the dew and the
sweet honeycomb,
For the rose and the song and the harvest
brought home --
Thanksgiving! Thanksgiving!
For the trade and the skill and the
wealth in our land,
For the cunning and strength of the
workingman's hand,
For the good that our artists and
poets have taught,
For the friendship that hope and
affection have brought --
Thanksgiving! Thanksgiving!
For the homes that with purest
affection are blest,
For the season of plenty and well-deserved rest,
For our country extending from sea unto sea;
The land that is known as the "Land of the Free"

Thanksgiving! Thanksgiving!

~Author Unknown



North Dakota Department of Health
Division of Health Facilities
600 E. Boulevard Ave., Dept. 301
Bismarck, N.D. 58505-0200
Phone: 701.328.2352
Fax: 701.328.1890
Website: www.ndhealth.gov

Terry L. Dwelle, M.D., MPHTM
State Health Officer
Darleen Bartz, Chief,
Health Resources Section
Roger Unger, Director, Health Facilities
Bridget Weidner, Program Manager
Laura Hiebert, Program Surveyor